

<p>Attorney or Party Name, Address, Telephone &amp; FAX Nos., State Bar No. &amp; Email Address</p> <p>NUSSBAUM APC Lane M. Nussbaum, SBN 264200 Wayne M. Abb, SBN 91625 Richard J. Uss SBN 273871 27489 Agoura Road, Ste. 102 Agoura Hills, California 91301 Tel. (818) 660-1919   Fax. (818) 864-3241</p> <p><input type="checkbox"/> Individual appearing without attorney <input checked="" type="checkbox"/> Attorney for: Gwendolyn Nolan</p>		<p>FOR COURT USE ONLY</p>	
<p><b>UNITED STATES BANKRUPTCY COURT CENTRAL DISTRICT OF CALIFORNIA - LOS ANGELES DIVISION</b></p>			
<p>In re:</p> <p>WILLIAM K. SPENCER</p> <p>Debtor(s).</p>		<p>CASE NO.: 2:20-bk-10401-BB CHAPTER: 7</p> <p><b>NOTICE OF MOTION FOR:</b> MOTION TO CONTINUE THE PRETRIAL CONFERENCE SET FOR APRIL 6, 2021; MEMORANDUM OF POINTS AND AUTHORITIES; DECLARATION OF RICHARD J. USS</p> <p><b>(Specify name of Motion)</b></p> <p>DATE: April 21, 2021 TIME: 10:00 am COURTROOM: 1539 PLACE: 255 East Temple Street Los Angeles, California 90012</p>	

1. TO (*specify name*): THE HONORABLE SHERI BLUEBOND AND ALL INTERESTED PARTIES:
2. NOTICE IS HEREBY GIVEN that on the following date and time and in the indicated courtroom, Movant in the above-captioned matter will move this court for an Order granting the relief sought as set forth in the Motion and accompanying supporting documents served and filed herewith. Said Motion is based upon the grounds set forth in the attached Motion and accompanying documents.
3. **Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one. (If you do not have an attorney, you may wish to consult one.)

4. **Deadline for Opposition Papers:** This Motion is being heard on regular notice pursuant to LBR 9013-1. If you wish to oppose this Motion, you must file a written response with the court and serve a copy of it upon the Movant or Movant's attorney at the address set forth above no less than fourteen (14) days prior to the above hearing date. If you fail to file a written response to this Motion within such time period, the court may treat such failure as a waiver of your right to oppose the Motion and may grant the requested relief.
5. **Hearing Date Obtained Pursuant to Judge's Self-Calendaring Procedure:** The undersigned hereby verifies that the above hearing date and time were available for this type of Motion according to the judge's self-calendaring procedures.

Date: 03/22/2021

NUSSBAUM APC  
Printed name of law firm

/s/ Lane Nussbaum  
Signature

Lane Nussbaum  
Printed name of attorney

1 NUSSBAUM APC  
Lane M. Nussbaum, SBN 264200  
2 Wayne M. Abb, SBN 91625  
Richard J. Uss SBN 273871  
3 27489 Agoura Road, Ste. 102  
Agoura Hills, California 91301  
4 Tel. (818) 660-1919 | Fax. (818) 864-3241

5 Attorneys for Plaintiff Gwendolyn Nolan  
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9 **UNITED STATES BANKRUPTCY COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**  
**LOS ANGELES DIVISION**

11 IN RE:

12 WILLIAM K. SPENCER,

13 Debtor.  
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15 GWENDOLYN NOLAN,

16 Plaintiff,  
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18 vs.

19 WILLIAM K. SPENCER,

20 Defendant.  
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Case No.: 2:20-bk-10401-BB

Adv. Case. No.: 2:20-ap-01103-BB

**MOTION TO CONTINUE THE  
PRETRIAL CONFERENCE SET FOR  
APRIL 6, 2021; MEMORANDUM OF  
POINTS AND AUTHORITIES;  
DECLARATION OF RICHARD J. USS**

**Date:** April 21, 2021

**Time:** 10:00 am

**Place:** 255 East Temple Street  
Los Angeles, California 90012  
Courtroom 1539

23 TO THE HONORABLE SHERI BLUEBOND, UNITED STATES BANKRUPTCY  
24 JUDGE, ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

25 COMES NOW, GWENDOLYN NOLAN ("Nolan"), and respectfully requests that  
26 this Honorable Court issue an Order continuing the Pretrial Status Conference currently  
27 scheduled for April 6, 2021 to a date convenient for this Honorable Court and the parties.  
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1 This Motion is based upon the fact that: (1) Defendant/Debtor William K. Spencer  
2 has not yet made his initial disclosures pursuant to Fed. R. Civ. P. 26; (2) Defendant/Debtor  
3 William K. Spencer has filed a Notice of Appeal of this Honorable Court's denial of  
4 Defendant/Debtor William K. Spencer's Motion for Judgment on the Pleadings [Docket No.  
5 51]; and (3) Plaintiff intends to file a First Amended Complaint pursuant to F.R.B.P.  
6 7015(a)(2), to that Debtor would not stipulate.

7 This Motion is based on the attached Memorandum of Points and Authorities and  
8 the Declaration of Richard J. Uss, filed concurrently herewith.

9 WHEREFORE, Nolan respectfully requests that this Court: (1) enter an Order  
10 Continuing the Pretrial Conference to a date convenient for this Honorable Court and the  
11 parties; and (2) continue all corresponding pretrial deadlines accordingly.

12 Respectfully submitted.

13 March 22, 2021

NUSSBAUM APC

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16 By: Lane Nussbaum  
17 Attorneys for Plaintiff Gwendolyn  
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**MEMORANDUM AND POINTS AND AUTHORITIES**

**I. INTRODUCTION**

Plaintiff Gwendolyn Nolan (“Nolan”) initiated this instant adversarial complaint to declare the debt that Debtor William K. Spencer (“Debtor”) incurred to Nolan non-dischargeable pursuant to 11 U.S.C. §§ 523(a)(2) [Docket. No. 1].

On or about January 27, 2021, Nolan filed the appropriate Motion to Compel Debtor’s Initial Disclosures Pursuant to Fed. R. Civ. P. Rule 37 [Docket. No. 22]. Throughout the majority of this adversarial action, Debtor was self-represented. On February 2, 2021, Debtor’s counsel substituted into this matter. [Docket. No. 24]. Nolan’s Motion to Compel was granted and Debtor was ordered to provide Nolan with Debtor’s initial disclosures within fourteen (14) days of the entry of this Honorable Court’s Order [Docket. 47].

Additionally, Debtor filed a Motion for Judgment on the Pleadings [Docket. No. 25], which was denied on February 23, 2021. Thereafter, Debtor filed a Notice of Appeal on March 9, 2021 [Docket. No. 40].

**II. ARGUMENT**

**A. A CONTINUANCE OF THE CURRENTLY SET PRETRIAL CONFERENCE SHOULD BE ORDERED.**

The pretrial conference in this matter is currently set for April 6, 2021. Based upon the following, Nolan requests that the pretrial conference be continued for a minimum period of ninety (90) days:

1. Debtor has yet to produce Debtor’s initial disclosures. Based upon the Order of this Court, Debtor’s initial disclosures are due to be served no later than March 29, 2021;

2. Debtor has filed a Notice of Appeal related to the denial of Debtor’s Motion for Judgment on the Pleadings [Docket. No. 51]. While Debtor has not yet done so, the information available to Nolan reveals that Debtor intends to petition the Bankruptcy Appellate Panel for the Ninth Circuit for a stay of this action pending Debtor’s appeal; and

3. Nolan has, concurrent with this Motion to Continue the Pretrial Conference in

1 this matter, filed a Motion for Leave to File an Amended Complaint in order to allege  
2 further facts in support of Nolan's claim that Debtor's debt incurred is non-dischargeable.

3 **B. GOOD CAUSE EXISTS TO CONTINUE THE PRETRIAL**  
4 **CONFERENCE**

5 Good cause exists to have the Pretrial Conference continued to Conference to a date  
6 convenient for this Honorable Court and the parties based upon the foregoing, insomuch  
7 that this matter is not currently ready for trial, and a continuance will permit the pleadings  
8 to be amended, Nolan to obtain and review Debtor's initial disclosures, conduct that  
9 discovery necessary should Nolan's accompanying Motion for Leave to File an Amended  
10 Complaint be granted and, if necessary, permit Debtor's appeal to be heard in advance of  
11 the pretrial conference in this matter.

12 **III. CONCLUSION**

13 Based upon the foregoing, Nolan respectfully requests that this Honorable Court, (1)  
14 continue the Pretrial Conference to a date convenient for this Honorable Court and the  
15 parties; and (2) continue all corresponding pretrial deadlines accordingly.

16 Respectfully Submitted.

17 Dated: March 22, 2021

NUSSBAUM APC

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20 By: Lane Nussbaum  
21 Attorneys for Plaintiff Gwendolyn  
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**DECLARATION OF RICHARD J. USS**

I, Richard J. Uss, declare as follows:

1. I am an attorney, licensed before all Courts in California and am an associate at Nussbaum APC, counsel or record for Plaintiff Gwendolyn Nolan (“Nolan”). I have reviewed the file in this matter and I possess personal knowledge concerning the matters set forth in this declaration. I could testify to same if called upon to do so.

2. Throughout the majority of this adversarial action, Debtor William K. Spencer (“Debtor”) was been self-represented. Debtor filed a substitution of counsel on or about February 2, 2021 [Docket. No. 24].

3. As Nolan had not received Debtor’s initial disclosures on or about January 27, 2021, Nolan filed a Motion to Compel Debtor’s Initial Disclosures pursuant to Fed. R. Civ. P., Rule 37 [Docket. No. 22].

4. Nolan’s Motion to Compel Debtor’s Initial Disclosures was granted [Docket. 47]. Should Debtor comply with this Honorable Court’s Order, Nolan anticipates receiving Debtor’s Rule 26 initial disclosures on or about March 29, 2021.

5. On February 3, 2021, Debtor filed a Motion for Judgment on the Pleadings. Pleadings [Docket. No. 25], which was denied on February 23, 2021.

6. During the parties’ meeting and conferring in preparation for the currently-set Pretrial Conference, Debtor’s counsel informed me that, while a motion for an appellate stay had yet to be filed, Debtor intends to apply to the Bankruptcy Appellate Panel for the Ninth Circuit for a stay of this action pending Debtor’s appeal in the very immediate future.

7. Nolan desires to file an amended Complaint in this action. While Nolan is not seeking to amend the Complaint to add any additional counts, Nolan intends to amend the Complaint to plead additional facts in order to further support the already existing count in Nolan’s current operative Complaint. Nolan’s Motion for Leave to Amend the Complaint is concurrently filed with this instant Motion.

8. Based upon the foregoing issues, including: (1) the current lack of Debtor’s initial disclosures; (2) Debtor’s anticipated application to the Bankruptcy Appellate Panel

1 for the Ninth Circuit for an appellate stay; and (3) Nolan's concurrently-filed Motion for  
2 Leave to Amend the Complaint, conducting the Pretrial Conference at this time is  
3 premature and should be continued to a future date of this Court's choosing that is  
4 convenient for this Honorable Court and the parties; and (2) continue all corresponding  
5 pretrial deadlines accordingly.

6 I declare under penalty of perjury under the laws of the United States and the  
7 State of California that the foregoing is true and correct.

8 Executed this 22nd day of March, 2021, at Agoura Hills, California.

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12 Richard J. Uss  
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## PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:  
27489 Agoura Rd., Ste. 102, Agoura Hills, CA 91301

A true and correct copy of the foregoing document entitled (*specify*): \_\_\_\_\_  
MOTION TO CONTINUE THE PRETRIAL CONFERENCE SET FOR APRIL 6, 2021; MEMORANDUM OF POINTS  
AND AUTHORITIES; DECLARATION OF RICHARD J. USS

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

**1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):** Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 03/30/2021, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Shraddha Bharatia - notices@becket-lee.com, Carolyn A Dye (TR) - trustee@cadye.com, Jennifer H Wang - jwang@cookseylaw.com, Daniel King - dking@theattorneygroup.com, United States Trustee (LA) - ustregion16.la.ecf@usdoj.gov

☐ Service information continued on attached page

**2. SERVED BY UNITED STATES MAIL:**

On (*date*) \_\_\_\_\_, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

**3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL** (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) 03/30/2021, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

William K Spencer - 2330 E Del Mar #111, Pasadena, CA 91107  
Judge: Sheri Bluebond - 255 E. Temple Street, Suite 1534 /  
Courtroom 1539, Los Angeles, CA 90012

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.



03/30/2021  
Date

Shauna Wilcox  
Printed Name

\_\_\_\_\_  
Signature